

PATENT  
Attorney Docket No. 101.0112-01000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

DEC 06 2006

In re Application of:  
Gary K. Michelson, M.D.  
Serial No.: 10/809,242  
Filed: March 25, 2004  
For: INSTRUMENTATION FOR USE WITH  
DYNAMIC SINGLE-LOCK ANTERIOR  
CERVICAL PLATE SYSTEM HAVING  
NON-DETACHABLY FASTENED AND  
MOVEABLE SEGMENTS

)  
) Confirmation No.: 6717  
)  
) Group Art Unit: 3733  
) Examiner: Pedro Philogene  
)  
)  
)  
)  
)  
)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY TO OFFICE ACTION**

In reply to the Office Action of November 27, 2006, the following remarks are submitted:

In the Office Action, the Examiner rejected claims 1-63 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-81 of Applicant's U.S. Patent No. 7,118,573. Applicant is submitting concurrently with this Reply a Terminal Disclaimer disclaiming the terminal part of any patent granted in the present application which would extend beyond the expiration of U.S. Patent No. 7,118,573. Applicant submits that the Examiner's rejection of claims 1-63 under the judicially created doctrine of obviousness-type double patenting has been overcome.

In view of the foregoing remarks, it is respectfully submitted that the claims are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees

required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: December 6, 2006

By: \_\_\_\_\_

  
Amedeo F. Ferraro  
Registration No. 37,129

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030